SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

CLEM ABRAMS AND JOHN BOHANNON, Plaintiffs and Petitioners, vs. THE CITY OF SAN DIEGO, a governmental agency; and DOES 1-50, inclusive, Defendants and Respondents.	Case No. 655468 ORDER DENYING PETITIONERS' SUPPLEMENTAL PETITION FOR WRIT OF ADMINISTRATIVE MANDAMUS
MESA SHOPPING CENTER EAST, a business entity; and DOES 51-100, inclusive, Real Parties in Interest.	Dept: Presiding I/C: Hon. Wayne Peterson

(Filed Mar. 30, 2001)

This matter came regularly for hearing on January 9, 2001 in the Presiding Department, the Honorable Wayne Peterson, Judge Presiding. Louis Goebel, appeared on behalf of Petitioners. Casey Gwinn, City Attorney, by John P. Mullen, Deputy City Attorney appeared on behalf of the Respondent City of San Diego. Asaro, Keagy, Freeland, and McKinley, by Steve McKinley appeared on behalf of Real Parties In Interest Mesa Shopping Center East [MSCE]. No party requested a statement of decision.

Having considered the administrative record, the briefs submitted by the parties, and the arguments of counsel, good cause appearing,

IT IS HEREBY ORDERED THAT Petitioner's supplemental petition for writ of mandate is denied.

The Court of Appeal's opinion does not require a calculation of the traffic that petitioners' parcel might someday generate. The better way to identify benefit is to determine what a willing buyer would pay for the property before the immediately after the improvements were constructed, as the City has done. Using this standard of proportionality, the record establishes a substantial evidence of proportionality. (See City's points and authorities, 18:15-19.7.) Nor has a procedural due process violation been shown. (City's points and authorities 19:22-20:4.)

APPROVED AS TO FORM AND CONTENT.

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Louis Goebel
Attorney for Petitioners

IT IS SO ORDERED.

Dated: MAR 30 2001

/s/ Wayne L. Peterson
JUDGE OF THE
SUPERIOR COURT
WAYNE L. PETERSON

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